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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,169	07/01/2003	Irwin Kotovsky	KOTOV-22	5197
7590	06/29/2004		EXAMINER TSIDULKO, MARK	
Ansel M. Schwartz Suite 304 201 N. Craig Street Pittsburgh, PA 15213			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,169

Applicant(s)

KOTOVSKY ET AL.

Examiner

Mark Tsidulko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 5-9, 13-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 11-17 are objected to because of the following informalities: the phrase "light elements" is repeated twice (see lines 5 and 6 of the claim).

Claims 12-17 are objected as claims depended on claim 11.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelsall (US 4,232,361) in view of Rippel et al. (S 6,632,006).

Referring to Claim 1 Kelsall discloses (Figs. 1, 2) a light fixture including a main profile [10] mounting to the building structure, a terminal having male terminal block [42] and female terminal block [44] connected to and disposed in the main profile [10], a cassette [18] having light source, removably held by the main profile and in contact with the terminal and can be exchanged, as shown in Fig. 2.

Kelsall discloses the instant claimed invention except for transformer.

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Rippel et al. disclose (Fig.3) a light fixture having a main profile [15] and transformer [26] (col.4, lines 5-7).

Referring to Claim 2 Kelsall discloses the instant claimed invention except for that the light element is a low voltage.

Rippel et al. disclose a light fixture having a low voltage light element (col.4, lines 40-42).

Referring to Claims 3 and 4 Kelsall discloses a plurality of snaps [34] which snap into place with the main profile using tracks [50].

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the transformer, as taught by Rippel et al., for the device of Kelsall, for the purpose of power regulation.

Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelsall and Rippel et al. These references in a combination disclose structure of the device but do not disclose a method for lighting a building structure. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to take the steps of apparatus above and provide a method for lighting a building structure since a prior art of record teaches or suggests a means of lighting a building structure having the steps:

Referring to Claim 10 mounting a main profile to the building structure, placing a transformer in proximity to the main profile, placing a terminal in the main profile, connecting the transformer to the terminal, connecting a first cassette having light element with the terminal and main profile, disconnecting and removing the first cassette from the terminal and main profile and connecting a second cassette with the terminal and the main profile.

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Claims 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelsall and Rippel et al. as applied to claim 10 above, and further in view of Giacaman (US 2002/0008636).

Referring to Claim 11 Kelsall et al. discloses the instant claimed invention except for a line voltage light element.

Giacaman discloses a line voltage light element (page 3, [0041]).

Referring to Claim 11 Kelsall et al. discloses (Fig.2) that the connecting the cassette includes snapping a snap mechanism [34] of the cassette with the tracks [50] of main profile to hold the cassette with the main profile.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the line voltage light element, as taught by Giacaman for the device of Kelsall et al. in for the purpose of illumination.

Allowable Subject Matter

Claims 5-9, 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claims 5, 13 the prior art of record fails to show that the snap has tabs that are moved release of the cassette from the main profile.

Claims 6-9 are objected as claims depended on claim 5.

Claims 14-17 are objected as claims depended on claim 13.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
June 22, 2004



ALAN CARIASO
PRIMARY EXAMINER